REMARKS/ARGUMENTS

Claims 1-44 are pending in this application. Claims 1, 5, 8, 15, 21, 22, 23, 27, 30, 37, 43 and 44 are currently amended.

CLAIM REJECTIONS UNDER 35 USC 102

Claims 1, 4, 15-17, 23, 26, 37-39 and 42 are rejected under 35 USC 102(b) as being anticipated by Needham et al. (US 2002/0181801). Each of claims 1, 4, 15-17, 23, 26, 37-39 and 42, as amended, is allowable because Needham et al do not disclose every feature of any of these amended claims. Specifically, claims 1, 4, 15-17, 23, 26, 37-39 and 42 are allowable as amended, because Needhan et al. do not disclose removing identification of one or more of the plurality of groups of pixels as corresponding respectively to one or more images of one or more faces, wherein the removing is performed by increasing a sensitivity level of the face identifying.

CLAIM REJECTIONS UNDER 35 USC 103

Claims 2-3 and 24-25 are rejected under 35 USC 103(a) as being unpatentable over Needham et al. Claims 2-3 and 24-25 are allowable for the reasons set forth above with regard to base claims 1 and 23, respectively. Specifically, Needham et al. do not teach or suggest removing identification of one or more of the plurality of groups of pixels as corresponding respectively to one or more images of one or more faces, wherein the removing is performed by increasing a sensitivity level of the face identifying.

Claims 5-7, 9-11, 13-14, 18-19, 21-22, 27-29, 31-33, 35-36, 40-41 and 43-44 are rejected under 35 USC 103(a) as being unpatentable over Needham et al. in view of Fujimoto et al. (US 6,035,074).   Each of Claims 5-7, 9-11, 13-14, 18-19, 21-22, 27-29, 31-33, 35-36, 40-41 and 43-44, as currently amended, is allowable

because neither Needham et al. nor Fujimoto et al., nor any combination thereof, teaches or suggests all of the elements of any of these amended claims.

Claims 5 and 27 now specifically recite, in addition to other claim elements,

identifying a plurality of groups of pixels that correspond to an image of a face within the digitally-captured image, and determining corresponding image attributes to said groups of pixels; and

manually removing identification of one or more of said plurality of groups of pixels as corresponding respectively to one or more images of one or more faces, and

performing automated processing of the remaining multiple groups of pixels corresponding to the multiple images of faces including adjusting in a post-image capture process values of one or more parameters of each of said multiple remaining faces.

The Examiner has conceded at page 7 of the Office Action that Needham et al. fails to disclose this feature. It is respectfully submitted that Fujimoto et al. also do not teach or suggest these features of amended claim 5. Although Fujimoto et al. discloses to identify multiple faces within a digital image, as illustrated for example at Figures 10-17, Fujimoto et al. neither teaches to manually remove identification of one or more of the faces, nor automated processing on multiple remaining faces. As to the manual removal, the Examiner suggests that by having the ability to select one face at a time of the multiple identified faces to perform processing on, that the technique of Fujimoto et al. meets Applicants' manual removal feature. However, it is submitted that a face that is not presently selected for manual processing is not actually removed as being identified as a face. As to the automated processing of multiple remaining faces, this feature is clearly neither taught nor suggested by Fujimoto et al., which discloses only to

manually process one selected face at a time. Thus as amended, claim 5 is now allowable.

Claims 6-7 and 9-10 are allowable as being based on amended claim 5. Claims 28-29 and 31-32 are allowable as being based on amended claim 27.

Claim 11 is allowable as being based on amended claim 1, which is allowable for the reasons set forth above, and because no combination of Needham et al. and Fujimoto et al. teaches or suggests all of the elements of amended claim 1. In addition, no combination of Needham et al. and Fujimoto et al. teaches or suggests manually adding an indication of another face within the image. Figures 10-17 of Fujimoto et al. show multiple automatically identified faces within a digital image. A user may select one of the identified faces to be presently subjected to manual processing. However, Fujimoto et al. do not teach nor suggest a technique with the ability to manually add an indication of another face, that is, of a face that was not identified in the preceding automated face identification process.

Claim 13 is allowable because no combination of Needham et al. and Fujimoto et al. teaches or suggests identifying of face pixels automatically performed by an image processing apparatus which receives different relative values as to estimated importance of different detected regions that are identified as faces within a digital image. Paragraph [0024] of Needham et al. only discloses to assign relative values of different features such as a face 410, a person 420, a car 430 and a building 440. Needham et al. does not disclose to assign relative values of estimated importance to different faces identified within a digital image.

Claim 14 is allowable as being dependent from claim 13, and further because no combination of Needham et al. and Fujimoto et al. teaches or suggests manually

modifying one or more of the relative values as to the estimated importance of the different detected regions that are identified as faces within the digital image. Fujimoto et al. only discloses the assignment of predetermined values to particular features, for example, a human face 410, a person 420, a car 430 and a building 440.

Claims 18-19 are each allowable as being dependent ultimately on base claim 15, which is allowable for the reasons set forth above and because no combination of Needham et al. and Fujimoto et al. teaches or suggests all of the elements of amended claim 15.

Claim 18 is further allowable because no combination of Needham et al. and Fujimoto et al. teaches or suggests the elements of base claims 15 and 16 in addition to manually removing a false indication of another face within the image. As to the last point, it is submitted that the teaching of Fujimoto et al. that is illustrated at Figures 10-17 whereby a user may select which of multiple identified faces currently to perform manual processing on is not the same thing as manually removing a false indication of a face. An advantage of the feature set forth at Applicants' claim 18 is by removing a false indication of a face, the object which was falsely identified as a face will not be included within any automated processing that may be designed to concentrate on indicated faces, thereby provided more efficient processing particularly for an in-camera technique as required by the recitation of base claim 16.

Claim 19 is further allowable because no combination of Needham et al. and Fujimoto et al. teaches or suggests the elements of base claims 15 and 16 in addition to manually adding an indication of another face within the image. Figures 10-17 and the corresponding text descriptions of Fujimoto et al. show and describe multiple automatically identified faces within a digital image. A user

may select one of the identified faces to be presently subjected to manual processing. However, Fujimoto et al. neither teach nor suggest a technique with the ability to manually add an indication of another face, that is, of a face that was not identified in the preceding automated face identification process. This feature is advantageous for several reasons over the disclosure of Fujimoto et al., including permitting automated processing on multiple identified faces including the manually added face, thereby providing enhanced, efficient in-camera processing.

Claims 21-22 and 43-44 are allowable because no combination of Needham et al. and Fujimoto et al. teaches or suggests, in addition to other claim elements,

identifying a group of pixels that correspond to an image of a face within a digitally-detected image; and

manually adding an indication of another face within the image; and

performing automated processing of the multiple groups of pixels corresponding to the multiple images of faces including adjusting in a post-image capture process one or more values of one or more parameters of the multiple faces.

Claims 21-22 and 43-44 are allowable for the same reasons as just described with regard to the feature recited at claim 19.

Claim 33 is allowable as being based on amended base claim 23, which is allowable for the reasons set forth above, and because no combination of Needham et al. and Fujimoto et al. teaches or suggests all of the elements of amended claim 23. In addition, no combination of Needham et al. and Fujimoto et al. teaches or suggests all of the elements of amended claim 33 including removing identification of one or more of said plurality of groups of pixels as corresponding respectively to one or more images of one or more faces, and

wherein the removing being performed by increasing a sensitivity level of said face identifying.

Claims 35 and 36 are allowable for the same reasons as claims 13 and 14, as described above.

Claims 40 and 41 are allowable as being based ultimately on amended claim 37, which is allowable for the reasons set forth above, and because no combination of Needham et al. and Fujimoto et al. teaches or suggests all of the elements of amended claim 37. Claim 40 is further allowable because no combination of Needham et al. and Fujimoto et al. teaches or suggests all of the elements of claim 40, including that the identifying of face pixels is automatically performed by an image processing apparatus, and that the method further includes manually removing a false indication of another face within the image. As to the latter feature, the discussion above regarding claim 18 is incorporated and not repeated here.

Claim 41 is further allowable because no combination of Needham et al. and Fujimoto et al. teaches or suggests all of the elements of claim 41, including that the identifying of face pixels is automatically performed by an image processing apparatus, and that the method further includes manually adding an indication of another face within the image. As to the latter feature, the discussion above regarding claim 18 is incorporated and not repeated here.

Claims 12 and 34 are rejected under 35 USC 103(a) as being unpatentable over Needham et al. in view of Ray et al. (US 6,940,545).   Claims 12 and 34 are allowable as being respectively based on claims 1 and 23, which are allowable for the reasons set forth above, and because no combination of Needham et al. and Ray et al. teaches or suggests all of the elements of claims 1 and 23.

ALLOWABLE SUBJECT MATTER

Applicant acknowledges the Examiner's indication that claims 8 and 30 are substantively allowable. As such, each of claims 8 and 30 have been rewritten into independent form.

Based on the above, it is respectfully submitted that the application is now in condition for allowance.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-4399.

Respectfully submitted,

/Andrew Vernon Smith/

Dated: <u>December 18, 2007</u>   By _____

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